

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

Ako K. Burrell, Plaintiff

-VS-

Index No.

Earl Bell, Superintendent CCF;
Webb, Adv. Sup. of CCF;
Mott, Captain of CCF;
Gregory, Inrg. of CCF;
Kowalski, Sec. Chn. of CCF;

9:22-cv-770
GLS/TWD

King, Deputy Superintendent of Programs

John Doe, Lieutenant of CCF;

Wilson, C.O. of CCF;

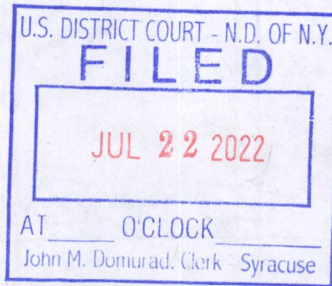
Whitehurst, C.O. of CCF

Demers, SORL of CCF.
Barrow, ORL of CCF.

Rushford, Nurse Admin of CCF;

Anthony Annuci, Commissioner of DOCCS

Domone, Pkg Room C.O. of CCF.
Defendant(s), et. al.



Sued in their Individual & Official
Capacity.

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I. INTRODUCTION

1. This is a 1983 action filed by Plaintiff who is a State Prisoner, alleging violations of his constitutional rights to receive medical; Therapeutic; Transitional Services; Rehabilitation Treatment; Occupational Therapy, Due Process; Access to the Courts; Atypical & Significant Hardship & Seeking an injunction relief & money damages. Plaintiff also seeks an injunction & damages pursuant to the American with Disabilities Act; & Rehabilitation Act;

II. JURISDICTION

2. Jurisdiction of this Court is invoked pursuant to 28 USC 1331 in that this is a civil action arising under the Constitution of the United States.

3. Jurisdiction of the Court is invoked pursuant to 28 USC 1343 (a) (3) in that this action seeks to redress the deprivation, under color of State Law, of rights secured by Acts of Congress providing for equal rights of persons within the jurisdiction of the United States.

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9. Defendant C. Gregory, is the Inmate Grievance Program Supervisor, of CCF, a municipal government entity in the State of New York, and manages and oversees Plaintiff.
10. Defendant Matott, is a Captain of CCF, a municipal government entity in the State of New York, and manages and oversees Plaintiff.
11. Defendant John Doe, is a Lieutenant of CCF, a municipal government entity in the State of New York, and manages and oversees Plaintiff.
12. Defendant Wilson, is a Correction Officer of CCF, a municipal government entity in the State of New York, and manages and oversees Plaintiff.
13. Defendant Whitehurst, is a Correction Officer of CCF, a municipal government entity in the State of New York, and manages and oversees Plaintiff.
14. Defendant Ashford, is the Nurse Administrator of CCF, a municipal government entity in the State of New York, and manages and oversees Plaintiff.
- Defendant Ben Ware, is a Offender Rehabilitator Coordinator of CCF, a municipal government entity, in the State of New York, and manages and oversees Plaintiff.

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III. PARTIES

4. Plaintiff at all times relevant was confined by the New York State Department of Corrections (NYS DOCS at Clinton Correctional Facility (CCF))
Jenewah, New York.
5. Defendant Anthony Amucci, Commissioner of NYSDOCs, a municipal government entity in the State of New York, and manages and oversees Plaintiff.
6. Defendant Earl Ball, is the Superintendent of the Clinton Correctional Facility (hereinafter CCF), a municipal government entity in the State of New York, and manages and oversees Plaintiff.
7. Defendant Webb, is the Education Supervisor of the CCF, a municipal government entity in the State of New York, and manages and oversees Plaintiff.
8. Defendant King, is the Deputy of Programs of the CCF, a municipal government entity in the State of New York, and manages and oversees Plaintiff.

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15. Defendant ~~Bernars~~, is a Senior Offender der
habilitator Coordinator, of CCF; a municipal govern-
ment entity in the State of New York, and manages
and oversees Plaintiff.
16. Defendant Dominie, is a Correction Officer of
CCF, a municipal government entity in the State
of New York, and manages and oversees Plaintiff.
17. Defendant ~~Kowolaski~~, is a recreation Civilian of
CCF, a municipal government entity in the State
of New York, and manages and oversees Plaintiff.
18. Defendant King, is a Sergeant of CCF, a municipal
government entity in the State of New York, and
manages, and oversees Plaintiff.
19. Defendant McIntosh, is the Superintendent of CCF, a mun-
icipal government entity in the State of New York, & man-
ages, & oversees Plaintiff.
20. Defendant Sorosa, is the Lieutenant of CCF, a municipa
government entity in the State of New York, & a mun-
icipal government entity in the State of New York, &
manages & oversees Plaintiff.

21. At all times relevant to this Complaint, all Defendants acted under color of New York State law.

22. At all times relevant to the Complaint Defendants

were acting as agents within scope & course their employment, & under the direct control & supervision of Defendant #1

23. At all times relevant to this Complaint, all Defendants acted in Concert & Conspiracy & were jointly & severally responsible for the harms caused to Plaintiff.

IV. FACTUAL ALLEGATIONS

24. On or about February 20, 2020, Plaintiff was housed in CCF, he was housed in AF, and subsequently transferred to A-Block on or about November, 2020.

25. On or about February 12, 2021, Plaintiff filed a Civil Practice Law and Rules Article 70; Habeas Corpus, in New York State Clinton County Supreme Court. He was issued a writ to appear at Court March 12, 2021 at 12:00pm. (See Exhibit A).

26. Once Defendants King, Demers, Benware, Wilson, ~~Gitmore~~ ^(AB), John Doe et al, Wilson, Lashway, Moff Captain, Kowalski, Sgt. King, Anthony Annucci, became aware that Plaintiff was petitioning for Habeas Corpus relief pursuant to the CPLR Art. 70 petition he filed. They began to all conduct adverse acts to get the Plaintiff to drop the motion (Habeas Corpus).

27. These retaliatory, & adverse, are compartmentalized as follows. All defendants were ~~with~~ ^{part} of a collaborated effort, and criminal conspiracy, to have Plaintiff drop the CPLR Art. 70 Habeas Corpus.

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DEFENDANTS

WILSON; WHITEHURST;

John Doe Lt; Bell; &

King; Law Library;

Access to the Courts;

Program Removal; Adverse
Act.

28. Defendants Earl Bell is the Superintendent of CCF; King is the Deputy Superintendent of Programs at CCF; both of these Defendants are the Supervisors of the CCF Law Library.

29. Defendants Wilson, and Whitehurst are the Law Library Officers, and the daily staff, and King and Bell are their Supervisors. Plaintiff held a job as Paralegal Assistant in the CCF; for the Pm; and Late morning at CCF 12:45 Pm; & 7:00-9:45 Pm.

30. Plaintiff drafted his CPLR Art. 70 Habeas Corpus Petition on the CCF Law Library desktop Computer. He Printed it out, made copies, Paid Five dollars and mailed it to the Clinton County Clerk at 137 Morgan St; Plattsburgh, New York.

~~Plaintiff has not yet been paid for his services.~~
 (AIR) (AIR)
 (Page Eight)

CIVIL PRACTICE LAW & RULES
 ARTICLE 70; HABEAS CORPUS;
 RETALIATORY ACTS; ADVERSE
 ACTS; ENCOURAGEMENT TO DROP
 PETITION IN FRANKLIN
 COUNTY SUPREME COURT

31. On February 17, 2021, Plaintiff was informed by Defendant Whitehurst, due to the filing of my CPLR motion Habeas Corpus; Article 70, and the utilization of the CCF; Law Library desktop Computers to do so, showed a sign of betrayal to CCF; Superintendent Defendant Bell, & Amucci the Commissioner of DOCS.

32. Defendant Whitehurst then informed Plaintiff that Attorney General Mitchell Allen Francis, that Plaintiff's CPLR Art 70 Habeas Corpus, will ultimately caused a release of prisoners due to the Covid-19 Pandemic, and Bell & Amucci; deliberate indifference to the safety needed to be protected from the deadly virus, and therefore once I dropped the Habeas Corpus then I can work at CCF; Law Library, as a Paralegal Assistant, but as of today, I'm fired and removed as a Clerk.
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33. On or about March 18, 2021, Defendant M. King was written an appeal by Plaintiff, to retain his Law Library Job. Plaintiff outlined the Pattern of harassment and the retaliatory Actions of Defendant Wilson, Whitehurst, Bell, & Annucci, et. Sorosa. (See Exhibit B)

34. The isolated incident, where a Law Library Clerk made copies of my Habeas Corpus and gave it to Defendant Wilson & Whitehurst to read. The Habeas Corpus gave a detailed Petition that demonstrated the release of Plaintiff was necessary, to cure the 8th Amendment Cruel & Usual Punishment; Atypical & Significant Hardship; Conditions of Confinement. It made mention of the spreading of the virus, was a habit, in CCF, Law Library, where Plaintiff worked, and that the desktop computer key boards, & supplies (e.g. staples, tape, printer, books, & counter top), were not disinfected. (See Exhibit B).

35. Defendant Wilson, yelled at Plaintiff "I own you under the 13th Amendment Nigger, so if you think you so smart & can get released, think again, I read this Bullshit, guess what, you no longer a Paralegal Assistant, you are not allowed to use the computers, matter of fact, write down all the computers, chairs, typewriters, if you want to keep working here, your my slave!"

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36. In or about March 30, 2021 Defendant M. King, replied to Plaintiff Appeal of his Program removal. She informed Plaintiff that his removal (security) was reviewed and approved by her. Furthermore, she ordered C.O. Lashway to search my cell, in retaliation of utilizing the law library computers, and to place insurance that Plaintiff would not do that again. (see Exhibit C).

37. In or about March 25, 2021, Defendant Gregory and the CCF; Inmate Grievance Committee Unanimous DEADLOCKED decision in response to Plaintiff's redress of his law library removal, that went into effect as of February 22, 2021. (see Exhibit D)

38. Defendant M. King is in charge of the JPAY Email Correspondence Program at CCF, which is govern by Directive #4425. Due to Plaintiff utilizing the CCF; law library computers to file his CRILC Habeas Corpus Act 70, B Appeal his law library Program removal decision, his email Program, was retaliated against. On or about March 06, 2022, M. King, conducted a supervisory tour of A-Block. Plaintiff inquired if JPAY Kiosk was experiencing a technical difficulty, due to the fact he cant send emails out, and have not received emails within (72) seventy-two hours as in accordance with Dir. 4425. (Page eleven)

RELIGIOUS DISCRIMINATORY
B DETAILATORY ADVERSE
ACT(S). ACCESS TO THE COURTS

39. Defendant M. King, began to boycott Plaintiff legal services. All the Prisoners Plaintiff provided Paralegal Assistant, and Wanted to File the Habeas Corpus CPLR Art 70, to be released from CCF, due to 8th Amendment; Covid-19 virus; deliberate indifference of the Conditions of Confinement, and exposure to be infected with Covid.

40. Defendant King, had previously approved Plaintiff to provide this legal assistance to the following Prisoners of CCF: D. McPherson #13B0817; M. Harris 17A2715; A. Jordan 13A5546; R. Winston 19A3820; B D. Loume 17A3218.

41. She, retaliated against Plaintiff, on or about May 07, 2021, Plaintiff wrote for permission to provide legal assistance to Prisoners, and assist in filing a Habeas Corpus, CPLR Art 70, to be released from CCF, in accordance with Directive #4483, which does not require Plaintiff to be a Law Library Clerk, Plaintiff must have a legal Research Certificate, issued by DOCCS. King had previously approved the assistance, until she discovered the objective she terminated all these clients, and directed the Prisoners to attend Law Library (see Exhibit E).

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On or about June 29, 2021, Plaintiff was transferred to D-Block, from Vfr. Defendant McCleary informed Plaintiff, statements/grievances, & the CPLR Art. 70 Habeas Corpus; he is lucky that he did not kill him, and he will be packing my property for this transferred & it will be destroyed.

43. On or about October 27, 2021, June Doe, (Defendant) opened Plaintiff Certified Legal Mail # 70219700000-50230074, and stated the "mail item deemed suspicious" and for Plaintiff to provide \$0.78 to return the item to the sender. Plaintiff appealed this matter to Defendant McIntosh, that Dir. 4422(f), requires certified mail is to be signed & received by Plaintiff via the legal mail. That June Doe violated Federal law, and the appeal was made in accordance to Dir. 4422(g); (17). (See Exhibit F)

44. June Doe, stated it was subject to inspection as a non-legal mail item is, which is untrue, Dir. 4422(f) clearly states Protocol for Certified mail. Plaintiff returned the mail item to his Attorney Nicholas Passalacqua, who was to represent him for the CPLR Art. 70, and his mother said he never received the returned mail. Plaintiff contacted the June Doe, and inquired, on or about November 18, 2021, June Doe stated: "The item has left the facility." On or about December 24, 2021, Defendants McIntosh, Gregory, & June Doe, admitted to destroying my Certified mail and not returning to my attorney. (See Exhibit F).

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DECLARATION; FASHIILIT,
 DISCRIMINATORY; RETALIATORY
 ADVERSE ACT(S); COERCEMENT
 TO DROP CPLR ARTICLE 70
 HABEAS CORPUS AGAINST EARL
 BELL IN FRANKLIN COUNTY
 SUPREME COURT.

45. In or about June 13, 2021, after weight training, Plaintiff went to a secluded, less congregated area of the CCF North Yard, and began to jog. Plaintiff was ordered by Defendant John Doe Sergeant to jog on the Flats area.

46. Plaintiff objected, stating "There is over 200 people in here, if I run into somebody, or run a soccer game, and the phone list, it will cause a fight, I can't jog on the flats." John Doe stated "Yeah, hopefully you do so we can let the courts know, if you don't that habeas corpus you can jog".

47. Plaintiff contacted Defendants Bell, and Matott, who told Plaintiff to "... follow staff direction," insulating to drop the CPLR Art. 70 Habeas Corpus, and will be able to jog in a less secluded, less danger prone environment. This occurred June 14 - 21, 2021. (See Exhibit 6).

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UNSANITARY; CONDITIONS
OF CONFINEMENT(S); ATYPICAL
B SIGNIFICANT HARM SHED

48. From February 22, 2022, until April 12, 2022, Defendant(s) Bell, McIntosh, Annucci, directed John Doe (C.O.S) in D-Block; UF; UH; Unit -14 to shine their flashlights in Plaintiff face when conducting a Supervisory tour. Defendant Tweller, flashed a flash light in Plaintiff eyes and Plaintiff has not been able to see out of his right eye, and can not sleep unless medically induced, his brain sees flashes when his eyes are closed. (See Exhibit H)

49. Plaintiff was housed in UH; UF; D-Block, where it was mice and roaches, the mice bit Plaintiff in his sleep and ate his clothing destroying (3) Pairs of \$80.00 sneakers, ~~20~~, (AB) 12 T-shirts valued at \$15.00 Each; Legal Work Tier II Disposition Plaintiff sues to Article 78; The roaches were in Plaintiff ear, Plaintiff awoke to a roach exiting his right ear and scurrying across his face.

50. Defendant McIntosh did not order Pest Control until March 03, 2023 and did so solely for D-Block 4 Company. (See Exhibit I).

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51. Defendant McIntosh, and Thane Doe Correspondence Officers, as well as C.O.'s Wilson & Whitehurst, defaced, tampered, destroyed, & altered Plaintiff incoming & outgoing legal-mail correspondence.

52. On or about December 24, 2021, Plaintiff Grievance was heard in reference to the motion to Dismiss Objections in U.S. N.D.N.Y. *Burrell v. Oneida County*, filed by CMC, that went missing. Secondly, the Tier II Appeal that Plaintiff needed to Perfect a Article 78, to Challenge A. Lodgevick's decision to uphold the guilty disposition. Defendants, McIntosh, and Defendant Thane Doe, never provided Plaintiff these legal documents, via CLF legal mail or general non-privileged process, Plaintiff was not able to file the CPLR Art. 78, due to not having the appeal, & the Statute of limitation expired (4 months from appeal date). And the motion to dismiss Plaintiff's Complaint was granted by U.S. N.D.N.Y. 10042-21 Index #; 2571-22 (see Exhibits).

53. Plaintiff was denied law library access, while in ID-block, Plaintiff was able to provide interrogatories, a motion to compel discovery or file a dispositive motion Summary for Judgment. On or about March 01, 2022, Plaintiff grievances were heard, and Plaintiff never got to file those motions, due to no law library access to receive papers, per case law, to Perfect the litigation of *Burrell v. Oneida County*.

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56. (Defendant's) Bell, McIntosh, Wilson, King, & Whitehurst, held a Policy in CCF; to have any manila envelopes issued to Plaintiff, Plaintiff has to (1) Disclose the contents of outgoing mail; (2) The manila envelope can only be mailed from the facility law library. This was as Wilson & Whitehurst informed Plaintiff "to see if someone is trying to sue us, or bring some Petition in the Courts, we are ahead, shit, I've told you the truth, I'm not mailing out shit that has me or my boys listed as a Defendant."

57. Plaintiff mailed an Order to Show Cause CPLR Art. 78; to Jett McCoy, which challenged the decision to deny Plaintiff Limited Time Credit Allowance.

Plaintiff gave the documents (2) (1) To be mailed to the NY's Attorney General; (2) Jett McCoy; & (3) To the Albany County Supreme Court 782-22 Index #, 10042-21 (See Exhibit K).

58. The Respondents moved for a motion to dismiss the Art. 78, due to a lack of Court jurisdiction, inter alia, Plaintiff did not properly serve the respondents; the envelope bore no postage stamp, and they did not receive the Art. 78, before March 11, 2022, Plaintiff gave these documents to Defendants McIntosh, Whitehurst, & Wilson. The Supreme Court of Albany dismissed Plaintiff Art. 78, which the relief was to be released from DOCS April 19, 2022. (See Exhibit L). (Page Seven-Ten)

PACKAGE ROOM; RETALIATORY
ACTIONS; ADVERSE ACTIONS;
COERCION TO DROP; CPLR
ARTICLE 70 HABEAS CORPUS
AGAINST EARL BELL IN FRANKLIN
COUNTY SUPREME COURT.

54.

Plaintiff provided Defendants Whitehurst, Wilson, King, B Webb, with numerous Court ordered Deadlines. This is ^{an} ~~the~~ incumbent these Defendants, to provide Plaintiff with Dis. 4483 Law Library, Special Access, which will allow Plaintiff with access to the Courts to meet the Court Deadlines; Statute of Limitation; with the Supplies Law Library Westlaw Application; Paper; Pens, & Copies of Exhibits, that can not be duplicated longhand.

55. These Defendants McIntosh, Whitehurst, Wilson, King, Webb, B June 2nd, denied Plaintiff the right to fulfil Court of Claims, NYS Statute, that requires the Claimant (Plaintiff) with a Certified mail receipt of his claim. Plaintiff received a motion to ^{#046} ~~dismiss~~ his Court of Claim Tort, because he failed to Served the Attorney General via Certified mail, Plaintiff protested his indigency and his lack of finances to afford to pay for Postage to serve Certified mail. These Defendants upheld ~~there~~ policy, to deny Plaintiff these rights, (See Exhibit M).

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59. On or about February Plaintiff enrolled into the Blackstone Career Institute in Allentown, PA; 1101 Brookside Rd.
 On or about November 2018, Plaintiff completed this course and paid the \$5,716.00 tuition fee, & received his Paralegal Certificate. On or about February 2019, Plaintiff, enrolled into the U.S. Career Institute 2001 Lorne St; Fort Collins, CO 80525, the course was Accounting, these enrollments occurred in Attica Corr. Facility.

60. Plaintiff arrived at CCF, and requested to have his Paralegal Certificate placed in his file, to receive Paralegal Assistance wages, and not clerical wages. Defendant Webb refused to do so, & told Benware as well. A White Prisoner, Dewey, had the same accolade, and his ORC & Webb placed his Paralegal Certificate in his file, & made it reflective to receive Paralegal wages.

61. On or about July, 2020, Plaintiff met with Defendant Webb, and provided the Insurance Claims Adjuster & Wedding & Event Planner curriculum, for his approval. These two(2) courses required use of computer access Excel, & Word (Microsoft Software), to meet the conditions to complete the courses. These courses are \$1,279.00 each, and the books are \$150.00, and there is a \$69.00 late fee if you don't make the tuition monthly payment or provide the exams before the instructor's deadlines (See Exhibit N).

U.S. CAREER INSTITUTE CAREER;
 & BLACKSTONE CAREER INSTITUTE;
 COLLEGE CORRESPONDENCE COURSES);
 ADVERSE ACTS; NEGLIGENCE;
 DENIAL OF SERVICES; RACIAL
 DISCRIMINATION PRACTICES

62. Plaintiff was given permission by Defendants Webb, King, & Bell, to enroll in the U.S. Career Institute Course Code(s) 4400; 2252; & the Pre-existing Accounting Course (1801), was approved from Africa, UPstanding. This is Pursuant to Dir. 4804. (See Exhibit N).

63. On or about August, 2020, Plaintiff was enrolled in the Innate Program Assistant Course, and was Certified to Assist in Programs. Defendant Benware, & Webb, Demars, King, & Bell, informed Plaintiff of the Ashland University College Pilot Program at CCF, and believed Plaintiff was a Prime Candidate. Plaintiff, was against this, due to his legal issues, & his courses he was enrolled in, the Ashland venture would be to burdensome.

64. On or about November, 2020, Defendant Webb, & Benware, fabricated Plaintiff Signature and enrolled him into Ashland, Plaintiff refused the Video-Conference in the CCF, visitroom. Defendant Webb, & Benware, then informed Plaintiff "You know we needed, you to get the Ashland Course Approved, now, since you think you so better than everyone else, your College Correspondent Courses you are paying for, there will no longer be providing you shit, I hope you spent that money, & fail these Courses." (Page Twenty)

OFFENDER REHABILITATOR
COORDINATOR; DELIBERATE
INDIFFERENCE; REHABILITATION
GOALS; TREATMENT PLAN;
NEGLIGENCE; WANTON DISREGARD

65.

Defendants) Demars, Webb, Benware, King, and McIntosh kept Plaintiff enrolled in the College Correspondence, but would not allow him books, or a testing area or a Proctor. On or about August 07, 2021 the THREE DEAD LOCKED, the grievance was agreed that Defendant Webb approved the courses, but refuses to afford the grievant the opportunity to complete the coursework with an adequate facility testing area.

66. Plaintiff contacted Defendant BenWare refused to place Plaintiff eligibility to receive Limited Time Credit Allowance (LTCA) benefits) Dir. #4792 The Plaintiff satisfied the Program Criteria; (1) of the LTCA Dir. 4792. Defendant Webb, was the review authority, rendering a determination regarding college degrees and semester credit hours satisfying the LTCA College Programming Criteria, Plaintiff Accounting, Paralegal, Insurance Claims Adjuster, Wedding & Event Planner. These courses curriculum meets the (3) three credit hour. Semester meets for three 50-minute sessions per week for 15 weeks, for a total of 45 sessions. Plaintiff was overqualified, Defendants) Bell & Webb, informed Plaintiff, if he dropped the Habeas Corpus he will receive LTCA, he did not so they denied it. (Don Twenty-one) (See exhibit P).

67. On or about October, 2020, Plaintiff completed his Accounting Course, a requisite that the U.S. Crew Institute stipulated, was for Plaintiff to contact the ~~IRS~~^{IRS} Internal Revenue Service, and obtain his tax Preparer application identification number, form WP-7. Plaintiff, had a girlfriend, Cyteoria mail this form to CCF; and Defendants Bell, Webb, Boware, King, & Tara Doe denied Plaintiff this form. (See Exhibit 0).

68. Plaintiff, began to be denied the following services; (Liberty General); and once he filed his CPCR Art. 70; Habeas Corpus to be released from DCCS, Webb became irate stating "oh, you put a target on your back." Webb then refused to place Plaintiff College Exams on to the Training Achievement & Potential Employability Report. (See Exhibit 9)

69. On or about June 27, 2021, Defendants M. King, Bell, Webb, ~~King~~^{ARB}, denied Plaintiff Computer access, and a testing Proctor for his Insurance Claims Adjuster that requires Microsoft Excel & Word, as well as his wedding & event Planner. (costing Plaintiff \$5,716.00 in charges from late fees, and paying tuition for courses he was not being allowed by Defendants to partake.

70. On or about July 01, 2021, Defendants Webb, Bell, King, & Tara Doe (Liberian), denied Plaintiff Dir. 4470 General Cyber, College Correspondence, Studying & research of exams access. (Exhibit 9)

71. In or about October 14, 2020, Plaintiff contacted

Defendant SOICC Managers, to receive a new ORC, due to Defendant Benware actions, and her retaliatory actions against Plaintiff. This was caused when Plaintiff refused to work as a Program Assistant with Benware as his supervisor. Plaintiff was expected to facilitate Transitional Services II, for offenders re-entering Society.

72. Plaintiff wanted to make the curriculum with a contemporary methods of integration. By utilizing Doccs Contract with Department of Motor Vehicles, to allow Plaintiff to take the Permit exam, receive a NYS ID, take CDE exams, prior to release from Doccs, and raising the \$40.00 release gate fee to \$50.00, and, provide realistic release information Defendant Benware became irate and made a racial statement "Black people are fucking lazy, if I got to wait in the DMV line so do you, & that's out so NO, we want be contacting DMV." Plaintiff resigned, and took

73. full time position in the Law Library,

Benware, refused to assist Plaintiff with his closed monitor case file, which elevated him to maximum-A security. Plaintiff is serving a (7) year term, with less than 2 years to be released. He sought to appeal the ORC, MAX-A, security designation, but Defendant Benware refused, also refusing to place contact information on my list, making me wait 90 days, to place my family new #'s on my call list. She refused to assist me with any re-entry. (see Exhibit K). (Page Twenty-Three)

PROGRAM COMMITTEE
 DISCRIMINATORY
 DISPARATE; RACIAL BIASNESS;
 IFA; TRANSITIONAL SERVICES

74.

In or about February, 2021, Plaintiff met with Defendant Benware for his quarterly review, she refused to coordinate a Rehabilitation Plan, that was conducive to Plaintiff release, refused to issue a facility transfer, security classification appeal; one appeal; she informed Plaintiff "If you drop that Habeas Corpus, I have no problem giving you these things, shit, Bell will even grant you IFA, & you'll be home April 19, 2023, so it's ultimately your choice, when you go to court, withdraw your motion." (See Exhibit 5)

75. Plaintiff refused the ultimatum, at the conclusion of this interview with Defendant Benware, Plaintiff was removed from the law library, by Defendant Lt. Sorosa, for being a "Security Threat" to the facility. The Dir. 4401; B 4803, requires for the program removal, and its reason to be reflective in the Plaintiff's guidance files. Plaintiff inquired the premise & return of his law library; security threat; removal, due to the fact his institutional record was reviewed at the Program Committee, when Defendant Demars assigned him the law library job. If Plaintiff was a security threat it would have been seen, he became a threat once he filed a Habeas Corpus to be released.

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76 Defendant Ben Ware, then yelled to a John Doe C.O. to contact the Area Supervisor, and to place Plaintiff into Protective Custody. She began to log a Protective Custody admission form into DOCS database, fabricating an incident, that due to Plaintiff asking a "security" question in deference to his Law Library removal, being considered as Plaintiff wanting Protective Custody. Plaintiff informed the C.O. the nature & premise of his security concerned questions & the ramifications (i.e. Dir. 4401) of asking Ben Ware, he told Plaintiff that "This bitch is crazy, you fine go back to your cell." Plaintiff returned back to his cell in general population (see Exhibit T).

77 Plaintiff was removed from the Law Library as a security threat after filing a Habeas Corpus Petition. He appeared at the Program Committee seeking a job; ASAT; DAIR to be conditional release on October 19, 2022. Defendant Demas stated you already know you not getting a fucking program, you fucked me, I gave you the law library job, & told you don't screw me over, & you filed a fucking lawsuit or what the fuck ever against Bell, about Covid-19, the Attorney General, Commissioner Arucci is breathing down on ass, Bell had to fucking resign because of you get the fuck out my sight. And dismissed Plaintiff from the Program Committee with no program assignment. (see Exhibit U)

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I. L. R. C. DUE-PROCESS;
ADVERSE ACTIONS; RETALIATORY
ACTS; IMPEDEMENT OF EXHAUSTION
OF ADMINISTRATIVE REMEDIES

78. Defendant C. Gregory, informed Plaintiff that Attorney General Defendant Michael Glen Francis that Plaintiff was an avid litigator, and do not Process his grievances because he (Francis) can raise a "Failure to Exhaust Remedies" to defense against any lawsuit Plaintiff intended to file.
79. Plaintiff grievances conducted by Defendant Sgt. Fazzett, were held arbitrary out side the scope of Dir. 4040. Bell, Gregory, McIntosh, & King refused to implement a Pass system for grievance representative to expedite the grievance Process, this resulted in gross negligence, Dir. 4040; 701.6(d)(1) requires a Pass system, those defendants have no good cause, a total of 54 grievances were never processed. (See Exhibit V).
80. Gregory, Bell, King, McIntosh, & Fazzett refused to train grievance representatives, allow witnesses, conducting hearings without Plaintiff Presence, there was never a legitimate ELAG, these objections were disregarded. They refused to interview staff members, and allow ELAG inmate representatives to investigate grievant. At all times this was the facility policy, from February 2000, - April 2002.

81. Defendant Michaels, and Plaintiff held court, and Ball resigned. Plaintiff never received his decision & order for the CPLA Arts 70; he instead received Donnell Festus, #10A4353, he contacted the clerk of Clinton Court, Tom Doe; Defendant Michael R. Cuevas, informed Defendant Gregory, that Plaintiff will not receive his decision, so he could not file an appeal or a federal Habeas Corpus. (see exhibit V).

82. Plaintiff never received his decision & order, he sought this, and for the and due to his indigency could not pay the \$25 per page, by Clinton File # CC-0481-21. Plaintiff never got to file an appeal of the Habeas Corpus, and for a federal Habeas Corpus. (see exhibit W).

83. Plaintiff remained incarcerated and was infected with Covid-19 and hospitalized. Plaintiff was informed by McIntosh that he will not be receiving any former treatment. Plaintiff began to be denied the right to form his organization "Winter's Block" a liberal Arts, for artistic prisoners, the CCF has a radio room, Plaintiff sought access to broadcast a radio program utilize the CCF auditorium to show case liberal arts, and to circulate a Facility News Paper (Page Twenty-Seven)

FEDICARY; INSOLVENCY;
 INCARCATED INDIVIDUAL CLASON
 COMMITTEE; OCCUPATIONAL
 THERAPY FUNDS; MISALLOCATION
 OF FUNDS; CONTRACTS; ANTI-
 TRUST CLAYTON & SHERMAN ACT.

84. Plaintiff subsequently spoke with Defendant Kowloski, about being placed on the Inmate Clason Committee, as a representative for the VF-Block or CCF. Kowloski laughed & stated "Please, your ass got Bell fired, listen, all your grievances, and forming of organizations, News Paper, radio show all go thru me, Bell was my friend for me to approve anything from you will be betray, so stop writing". (See Exhibit X).

85. Plaintiff submitted the forms to form a News Paper, organization, radio show, & LLC, all were denied, in retaliation of filing a Habeas Corpus that caused Bell to resign as the Superintendent of CCF; Plaintiff was not able to provide any type of social encounters or productivity because of the fear of filing Habeas Corpus motions on behalf of others, Plaintiff experienced denial of packages in retaliation as well.

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86. Defendant King was spending the Occupational Therapy funds insolvently, she was the CCF; fiduciary and was required pursuant to NYS Finance Law 163, to spend, & allocate these funds responsibly.

87. Plaintiff received a pair of Boots, solid color red, and they were denied, Plaintiff PKgs were returned to sender, Plaintiff never received his Package within 72 hours as required in Dir. 4911, he received a Package on Thursday, and received it Monday, this was due to Sgt. King who stated "Listen, you drop your Bullshit motion against Bell, then you can get your shirt, but I'm not opening the Pkg room on the week, and stop putting in for Sgt. Review, he have a memo "Fuck Burrell" understand (see Exhibit Y).

88. This was due to requesting that Defendant King, review Defendant Dominick Arbitrary, retaliatory denials on 12-04-2020; 06-07-2020; 08-00-2020. Plaintiff never received PKgs, due to him refusing to drop the Habeas Corpus against Bell.

89. None of the decisions to deny Plaintiff his PKgs were within the scope of Dir. 4911

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DAY; SEVANS; DIRECTV;
 & VENIDORS; ANTI-TRUST
 SHERMAN & CLAYTON ACT.

90. Defendant (B) McIntosh, King, B. Ruskford, denied Plaintiff medical treatment for his Carpal tunnel, Siatic nerve damage, Anal injuries, Shoulder injury, Neck injuries, Right foot injuries; Left thumb injuries, eye vision impairment. Plaintiff did not see a Doctor or any of his medical sick call request, were ever acknowledged, until Plaintiff dropped his CPLR Art. 20 Habeas Corpus against Bell.

91. Plaintiff spent over \$50.00 on the CCF TV Fund Raiser with the clic-clic Program. Plaintiff Proceeds, were over-saw by Defendant King, who signed a Direct TV, that Contract, was \$5,000 a month, Plaintiff objected for his Proceeds being spent insolvency, because NYS Grace Law 163, requires cost efficiency & the best Value Plan. The best value plan was a Streaming Service(s) (e.g. Amazon Fire TV; Hulu; Roku;). (See Exhibit 2).

92. Defendant King allowed Defendants Whitehurst & Wilson to possess a Roku streaming service in the CCF Law Library. This was purchased with Plaintiff clic-clic Proceeds. This was a discriminatory act. Plaintiff demanded a refund due to the misappropriation of his clic-clic Proceeds.

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95. Defendants Gregory, these adverse retaliatory tactics, caused Plaintiff Physical, mental, & Civil injuries causing Pain & Suffering. Violated Plaintiff 1st, 8th, & 14th Amendment Rights Pursuant to the U.S. Constitution.

96. Defendants King, Bell, McIntosh, Sgt King, Kowloski, insolvency, in irresponsibly spending the funds allocated to the TV Fund Raiser Program, with Plaintiff Clic-Clic Proceeds, Securing a DIRECTV Contract, & Paying \$5,000 a month, & refusal to implement a more cost efficient & broad variety of Channels, Amazon Fire Stick, or a Streaming Service, & to allow Defendant Whitehurst & Wilson to Possess a Roku Streaming device in the CCF Law Library, to cause a Fiscal Gross, in the Occupational Therapy funds to manipulate, deceive, & exploit NY's Tax Payers Funds, with the illogical DIRECTV Contract that was expensive, and a cheaper alternative's were available to Defendant suggested by Plaintiff, to use his Proceeds as directed in NY's State Finance Law 163; Violated Plaintiff 1st, 8th, & 14th Amendment Rights Pursuant to the U.S. Constitution. Defendants Truller, flashing the flashlight in Plaintiff eyes, causing visual impairment & insomnia in retaliation to filing a CPLR Habeas Corpus. Violated Plaintiff 1st Amendment Right Pursuant to the U.S. (Page Thirty Two) Constitution.

EXHAUSTION OF REMEDIES

93. Plaintiff exhausted all the administrative remedies available to him, in ~~the~~ respect to all claims contained in the Complaint, attached as Exhibit(s).

Plaintiff alleges all the Paragraphs 1-93 in the Complaint as the Cause of Action.

VI. CLAIMS FOR RELIEF

94. Defendants, Bell, McIntosh, King, Wilson, Whitehurst, Demers, Webb, Luskway, Annucci, Ashford, Benware, ~~the~~ Sorasa, Matott, Kowalski, retaliatory actions, adverse acts, to drop the Habeas Corpus Act. 70; CPLR; they denial of Programs, College Correspondence; Law Library removal; medical treatment; removal from Physical therapy; Protective Custody Placement attempt; CMC appeal refusal; Package room denial of Packages; SPAY messages denial; Crier Vance denial; Mice & roaches injuries; Law Library denial; Outgoing & Incoming mail delay, destruction, & denial; Denial of Certificate of Mail.

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97.1 Defendant(s) Bell, moth, Kowlitz, King, Doe, Wilson, Whitehurst, Berware, Rushford, B Amucci, Demers, Webb, Gregory, Sorosa, & Cashway has failed to comply with the mandates of 42 U.S.C. 12132 & 29 USC 794 in the following area(s):

- (a) The failure to Properly train, Supervise & discipline regarding Crisis intervention technique for Plaintiff who exhibits the signs & symptoms of medical disabilities.
- (b) The failure to provide adequate training & resources for crisis intervention teams of the said Defendant(s) Defendant(s) Bell, moth, Kowlitz, King, Doe, Wilson, Whitehurst, Berware, Rushford, Amucci, Demers, Webb, Gregory, Sorosa, & Cashway to respond to emergencies involving persons with medical disabilities.
- (c) The failure of Defendant(s) Bell, Amucci, moth, Sorosa, Wilson, King, Whitehurst, Demers, Berware, Rushford, & Cashway to follow Policies, Procedures, directives, & instructions regarding Crisis intervention technique(s) for individuals who exhibit the signs & symptoms of medical disabilities.

98. b. Failed to ensure through training, supervision & discipline that correctional, & medical staff at CCF; in necessary circumstances, make a referral for medical treatment; &

c. Entered into a contractual agreement providing Docs & medical with a strong financial disincentive to refer Plaintiff for mental health services.

Defendant(s) discriminated against Plaintiff decent by reason of his medical disabilities, denying him the benefits of the services, programs & activities to which he was entitled as a person with a medical disability, including but not limited to the right to be free of discriminatory & disparate treatment by virtue of his mental disability, & to due process of the law. AS a result, Plaintiff(s) suffered harm in violations of his rights under the laws & Constitution of the United States, 42 USC 1983 & 29 USC 794,

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99. At all times relevant to this Complaint, defendants CCF, & Medical, with deliberate indifference to the serious medical illness needs of Plaintiff at CCF, operated under a contractual agreement that required medical & Docs to pay for medical treatment, & services medications therapy, sessions, to Plaintiff at CCF, thereby creating a powerful disincentive for medical & Docs staff

to review, evaluate, & treat Plaintiff for medical services.

100. At all times relevant to this Complaint, the conduct of all defendants was in willful, reckless, & callous disregard of Plaintiff rights under federal & state law.

101. As a direct & proximate result of the conduct of all "defendants", Plaintiff suffered & continues to suffer psychological & psychological harm, pain, & suffering, some or all of which may be permanent, & physical to SBCs.

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102.

The failure of Defendants ^{Bell, Annucci, Mott, Kowalski, King, Doe, Wilson, Whitehurst, Benway, Rushford, Sorosa, Webb, Gregory, Matott & Lashway} to act on their knowledge of Plaintiff's ~~medical~~ ^{medical} injuries ^{Conc. head, nerve damage, joints, bones, vision.} violated 8th Amendment right to be free from deliberate indifference to his safety.

103.

Defendants ^{Bell, Annucci, Mott, Kowalski, King, Doe, Wilson, Whitehurst, Benway, Rushford, Demers, Gregory, Matott, Sorosa, Webb, & Lashway} alleged to provide Plaintiff medical services, during his tenure in Docs, B to prevent & act on this knowledge of a substantial risk of serious harm to Plaintiff violated his 8th Amendment right to be free from deliberate indifference to his safety.

104.

Defendants ^{Bell, Annucci, Mott, Kowalski, King, Doe, Wilson, Whitehurst, Benway, Rushford, Demers, Gregory, Matott, Sorosa, Webb, & Lashway} owed Plaintiff a duty of reasonable care to protect him from death, & medical pain & suffering. Defendants breached that duty by failing to provide protection when Plaintiff informed them he was disabled, & suffered from medical illnesses. The breach of duty resulted in ~~the~~ ^{the} pain & suffering, & emotional distress. The breach of duty proximately caused these damages.

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105. At all times relevant to this complaint, as evidenced by the lack of appropriate care provided to Plaintiff in this case, defendant(s) Bell, Amores, Kowles, Roth, King, Doe, Wilson, Whitehurst, Berwyn, Aushard, Demers, with Gregory, Webb, Sorosa, & Casaway with deliberate indifference, failed to develop & implement Policies, Practices, & Procedures to ensure that Plaintiff in this case defendant(s) CCF, & medical, with deliberate indifference, failed to develop & implement Policies, Practices, & Procedures to ensure that Plaintiff at CCF would receive appropriate care for serious illnesses & if necessary, outside medical services.

106. At all times relevant to this complaint, as evidenced by the lack of appropriate care provided to Plaintiff in this case, defendant(s) CCF, & Medical, with deliberate indifference, failed to properly train, supervise, & discipline Grievance; Program Committee, Package room, Law Library, Inmate Organizations, Incoming & outgoing mail; Pest control. So as to ensure that Plaintiff would receive appropriate care for his serious medical illnesses, & if necessary, a referral by CCF, Personal at CCF, for medical health services.

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107. By these actions, defendant(s), have deprived Plaintiff of rights secured by the United States Constitution, 42 US 12132 B 29 USC 794.

108. The Defendants, Bell, Amucci, moth, Kowalski, King, Doe, Wilson, Whitehurst, Ben Ware, Rushford, Demers, Gregory, Sorosa, Webb, & Lashway caused the Constitutional violations by reason of it's practice & custom, with deliberate indifference, of failing to properly train, supervise & discipline NYS Docs & medical employees.

109. These defendants, Bell, Amucci, moth, Kowalski, King, Doe, Wilson, Whitehurst, Ben Ware, Rushford, Demers, Webb, Gregory, & Lashway have also failed, with deliberate indifference, to properly train, supervise, & discipline in situations involving emotionally & medically disturbed persons & in the proper means of detaining or protecting such persons from harming themselves or others.

110. At all times relevant to this complaint, as evidenced by the lack of appropriate care provided to Plaintiff in this case, by defendant(s) Bell, Amucci, moth, Kowalski, King, Doe, Wilson, Whitehurst, Ben Ware, Rushford, Demers, Gregory, Webb, & Lashway with deliberate indifference, failed to develop & implement Policies, Practices, & Procedures to ensure that Plaintiff at CCF, would receive needed evaluation & treatment (See Thirty-eight)

114. Defendant(s) Bell, Moth, Kowlitz, King, Doe, Wilson, Whitehurst, Benway, Rushford & Annucci, Demers, Sorosa, Lastway, Gregory & Webb, were deliberately indifferent to Plaintiff

serious medical injuries, & the necessity of Physical therapy; Tens. Unit; wrist brace; to cope with Carpal Tunnel; Siatric Nerve Damage, Neck, Back; Shoulder, right forearm, Anal, injuries, by destroying Plaintiff Physical Therapy, Tens. Unit; wrist brace; & medical attention. They had a duty to comply with general accepted medical standards of care in their medical treatment of Plaintiff.

115. Defendant(s) Bell, Moth, Kowlitz, King, Doe, Wilson, Whitehurst, Benway, Rushford, & Annucci, Demers, Gregory, Sorosa, Webb, & Lastway violated their duty of care to Plaintiff. The defendant(s) violation of their duty of care to Plaintiff was a direct & proximate cause & a substantial factor in bringing about Plaintiff damages as outlined above, & as a result, defendant(s) are liable to Plaintiff.

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111. Because the individual defendant(s) were acting as agents, servants, & employee's of defendant Docs, & because the individual defendant(s) were acting within the scope & course of their employment & under the direct control & supervision of defendant Docs, defendant(s) is liable to Plaintiff on the basis of respondent Superior liability.

112. The violations of Plaintiff(s) Constitutional rights) under the 1st, 4th, 5th, 6th, 8th, & 14th Amendment Rights), Pursuant to the U.S. Constitution, Plaintiff(s) damages), & the conduct of the individual defendant(s) were directly & proximately caused by the Docs, which have, with deliberate indifference:

113. a. Failed to establish Policies, Practices, & Procedure(s) to ensure that Plaintiff at CCF, receive appropriate care for serious medical illnesses & necessary, outside medical services & treatment; &

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Defendants) Bell, Annelli, Most, Kowalski, King, Doe, Wilson, Whitehurst, Benway, Rushford, Demers, Gregory, Sorosa, Webb, & Coshway, refusal to provide Plaintiff with medical services as required under New York State Correction Law 137, 148; & 401, was a breach of duty. The Defendants owed Plaintiff a duty of reasonable care to protect him from pain & suffering from his injuries. This was a deliberate indifference, & violated Plaintiff 1st, 5th, 8th, & 14th Amendment Rights Pursuant to the U.S. Constitution.

119) Defendants) Dominie, Sgt. King, Bell, & McIntosh, denial of Plaintiff Packages, until he dropped his CPLR Habeas Corpus against Bell. Violated Plaintiff 1st, 8th, & 14th Amendment Rights Pursuant to the U.S. Constitution.

120) Defendants) Glen Mitchell, McIntosh, Bell, Gregory, Annelli, King, Judge Cuevas, refusal to provide Plaintiff a decision & order of his Habeas Corpus, so Plaintiff could not appeal to the NYS Third Dept, & a federal Habeas Corpus 2255, and the deceptive ploy, to provide Plaintiff with Donnell's decision, and Plaintiff never being able to file. The revocation of Plaintiff to provide legal services to prisoners Winston Harris, Jordan Conroy, me ^{person} in filing a CPLR Art. 70 Habeas Corpus would release from court motion. Violated Plaintiff's 1st, 5th, 6th, 8th, & 14th Amendment Rights Pursuant to the U.S. Constitution.

116. Defendant(s) Bell, Annucci, moth, Kowalski, King, Doe, Wilson, Whitehurst, Benway, Rushford, Demers, Gregory, Webb, Lisway, Sorasai

Caused Plain Att to have the Article 78; Dismissed on grounds the Court lack jurisdiction due to improperly filing of Order to Show Cause, upon respondents, from the retaliatory adverse letters of tampering with my mail; legal-mail, given to them in the CCF; Law Library, causing Plain Att to lose:

↳ Limited Time Credit Allowance April 19, 2022, Docs
 Please do by Microsofty Excel, & Computer Access;
 & The Excess Authority for March 18, 2022 Tier
 II removal. Violated Plain Att(s) 1st; 8th;
 & 14th Amendment rights Pursuant to the
 U.S. Constitution.

117. Defendant(s) Bell, Annucci, moth, Kowalski, King, Doe, Wilson, Whitehurst, Benway, Rushford, Demers, Webb, Gregory, Sorasai, Lisway
 encouragement to drop the CPLR Article 70
 Habeas Corpus; against Earl Bell in Franklin
 County Court. The retaliation to Place Plaintiff

for filing false motion violated Plaintiff
 right to be access the Courts; 1st; 5th; 6th;
 8th; & 14th Amendment(s) Pursuant to the
 U.S. Constitution.

VII. REQUESTED RELIEF

WHEREFORE, Plaintiff respectfully request(s)

- A. Compensatory damages as to all defendants for one hundred million dollars (\$) \$100,000,000.00.
- B. Punitive damage as to all defendants for one hundred million dollars (\$) \$100,000,000.00.
- C. Reasonable fees & costs.
- D. Preliminary Injunction & Temporary Restraining Order Granted
- E. Such other & further relief as may appear just & appropriate.

Plaintiff hereby demands a jury trial

Dated; July 19, 2022

A. B. C.
Pro. se; Plaintiff

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